

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
TRENTON DIVISION**

	X	
)	
NGEN SMOKE LLC, RYAN ENG)	Case No. _____
and ERIC WONG, individually and)	
derivatively on behalf of)	
Ngen Smoke LLC,)	
)	
Plaintiffs,)	
v.)	
)	
DAVID LAM,)	
)	
Defendant.)	
	X	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE THAT defendant David Lam (hereinafter “defendant”), through its undersigned counsel, Wong, Wong & Associates, P.C., hereby files this Notice of Removal to hereby remove all claims and causes of action in the civil action styled, *Ngen Smoke LLC, Ryan Eng and Eric Wong, individually and derivatively on behalf of Ngen Smoke LLC v. David Lam*, Docket No MID-L-005121-16 (hereinafter jointly “plaintiffs”) from the Superior Court of New Jersey, Law Division, Middlesex County (the “State Court Action”), to the United States District Court for the District of New Jersey, Trenton.

Pursuant to 28 U.S.C. § 1446, defendant invokes this District Court’s jurisdiction under 28 U.S.C. § 1441(a) (providing that defendant may remove any civil action, filed in state court, of which the District Courts of the United States have original jurisdiction) and 28 U.S.C. § 1331 (granting the District Courts original jurisdiction of all civil actions arising under federal law).

STATEMENT OF THE CASE

1. On August 31, 2016, plaintiffs filed a Complaint in the Superior Court of New Jersey, Law Division, Middlesex County, under Docket No. MID-005121-16 (the “State Court Action.”

2. The Summons and Complaint was served on defendant on January 29, 2017.

3. In accordance with 28 U.S.C. § 1452, Rule 11 of the Federal Rules of Civil Procedure and Local Rule 5.1, a copy of the Summons and Complaint, which constitutes all of the process and pleadings filed to date, are annexed hereto as **Exhibit A**.

4. The District Court has subject matter jurisdiction over one of the State Claims and the causes of action therein as they involve patent law, which the District Court has original jurisdiction under 28 U.S.C. § 1338(a).

5. Among the other claims, plaintiffs alleged misappropriation of Ngen’s Intellectual Property and Business Assets; Conversion, and Declaratory Judgment on Ngen’s Ownership of its Intellectual Property and Business Assets. This cause of actions involves rights with regard to the ownership of a patent, which is federal question or a derivative of a federal question claim. Plaintiffs are attempting to remove defendant from the ownership of the patent, claiming that he did not do the work to design the product and has used the patent in his own name and/or converted the patent to his own name. Both plaintiffs and defendant have a joint action pending before the United States Patent and Trademark Office under application No. 29/514,944.

6. Defendant files this Notice of Removal pursuant to 28 U.S.C. §1452(a) within the time required by law for removal.

7. Removal pursuant to 28 U.S.C. § 1446(b) is timely because this notice of removal is filed within thirty (30) days of defendant’s receipt of service of the Summons and Complaint.

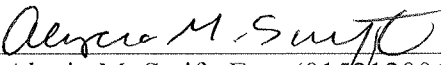
8. Venue in this district is proper under 28 U.S.C. § 1441 because the Trenton District includes the New Jersey Superior Court in Middlesex County, the forum in which the remove action was pending. The location of the incidences leading to the causes of action herein took place primarily in East Brunswick, New Jersey, which is located south of the Raritan River, and is therefore under the District Court of New Jersey, Trenton, New Jersey's purview.

9. Plaintiffs have demanded a jury trial in the State Court Action.

10. Defendant expressly reserves the right to raise all defenses and objections to the State Court Action after it is removed to the District Court.

11. Defendant provided written notice of this Notice of Removal to counsel of record for all parties with the filing of this notice and a true and complete copy of this Notice of Removal has been filed in the State Court Action with the filing of this notice.

Dated: February 27, 2017

By: 
Alycia M. Swift, Esq. (015212006)
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Certification of Service

I certify that a copy of the within Notice of Removal and supporting documents were served, via hand delivery, on the attorney or the plaintiff, David S. Hong, Esq., Law Office of David Hong, 350 West 42nd Street, Suite 19H, New York, New York 10036, on this date. I also certify that a copy was sent to the Clerk of the Superior Court, Law Division, Middlesex County, 2nd Floor-Tower, 56 Paterson Street, P.O. Box 2633, New Brunswick, New Jersey 08903-2633, via overnight mail, for filing.

Dated: February 27 2017

By: Alycia M. Swift
ALYCIA M. SWIFT